

IMMUNIZATIONS FOR TEEN MOTHERS

2011 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends the Health Code to allow a minor who is the parent of a child, or who is pregnant, to consent to limited health examinations and immunizations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ replaces the term "crippled children" with "children with disabilities";
- ▶ allows minors who are pregnant or who have custody of a child to consent to certain medical services;
- ▶ defines the limited medical services for which a minor may provide consent;
- ▶ establishes the legal effect of the minor's consent for medical services; and
- ▶ provides that a parent or guardian of a minor who consents to treatment is not responsible for the fees associated with the medical treatment unless the parent or guardian consented to the treatment.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-10-1, as last amended by Laws of Utah 2001, Chapter 73

26-10-2, as enacted by Laws of Utah 1981, Chapter 126

ENACTS:

26-10-9, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-10-1** is amended to read:

26-10-1. Definitions.

As used in this chapter:

(1) "Maternal and child health services" means:

(a) the provision of educational, preventative, diagnostic, and treatment services, including medical care, hospitalization, and other institutional care and aftercare, appliances, and facilitating services directed toward reducing infant mortality and improving the health of mothers and children provided, however, that nothing in this ~~[section]~~ Subsection (1) shall be construed to allow any agency of the state to interfere with the rights of the parent of an unmarried minor in decisions about the providing of health information or services;

(b) the development, strengthening, and improvement of standards and techniques relating to the services and care;

(c) the training of personnel engaged in the provision, development, strengthening, or improvement of the services and care; and

(d) necessary administrative services connected with Subsections (1)(a), (b), and (c).

~~[(2) "Crippled children's services" means:]~~

(2) "Minor" means a person under the age of 18.

(3) Services to children with disabilities " means:

(a) the early location of ~~[crippled]~~ children with disabilities, provided that any program of prenatal diagnosis for the purpose of detecting the possible disease or disabilities of an unborn child will not be used for screening, but rather will be utilized only when there are medical or genetic indications that warrant diagnosis;

(b) the provision ~~[for such children]~~ of preventive, diagnosis, and treatment services, including medical care, hospitalization, and other institutional care and aftercare, appliances, and facilitating services directed toward the diagnosis of the condition of ~~[such]~~ children with disabilities or toward the restoration of the children to maximum physical and mental health;

(c) the development, strengthening, and improvement of standards and techniques relating to ~~[such]~~ services and care described in this Subsection (3);

(d) the training of personnel engaged in the provision, development, strengthening, or improvement of ~~[such]~~ services and care described in this Subsection (3); and

(e) necessary administrative services connected with Subsections ~~[(2)]~~ (3)(a), (b), and (c).

Section 2. Section **26-10-2** is amended to read:

26-10-2. Maternal and child health provided by department.

The department shall, as funding permits, provide for maternal and child health and ~~[crippled children's] services to [individuals who need such services and]~~ children with disabilities if the individual needs the services and the individual cannot reasonably obtain ~~[them] the services~~ from other sources.

Section 3. Section **26-10-9** is enacted to read:

26-10-9. Immunizations and health exams -- Consent of minor to treatment.

(1) A minor may give consent for the medical services described in Subsection (2) for the minor or the minor's child, if at the time the care described in Subsection (2) is sought, the minor is:

(a) married or has been married;

(b) a parent with custody of a minor child;

(c) pregnant; or

(d) emancipated as provided for in Section 78A-6-805.

(2) A minor described in Subsection (1) may consent to medical services that include:

(a) immunizations against epidemic infections and communicable diseases as defined in Section 26-6-2; and

(b) examinations and immunizations required to attend school as provided in Title 53A, Chapter 11, Part 2 "Health Examinations," and Part 3 "Immunization of Students."

(3) The consent of the minor to examination or immunization by a health care provider pursuant to this section:

(a) is not subject to later disaffirmance because of the minority of the person receiving the medical services;

(b) is not voidable because of minority at the time the medical services were provided;

(c) has the same legal effect upon the minor and the same legal obligations with regard to the giving of consent as consent given by a person of full age and capacity; and

(d) does not require the consent of any other person or persons to authorize the medical services described in Subsection (2).

(4) A health care provider who provides medical services to a minor in accordance with the provisions of this section is not subject to civil or criminal liability for providing the

95 services described in Subsection (2) and not obtaining the consent of another person prior to
96 rendering the medical services.

97 (5) This section does not remove the requirement for parental consent or notice when
98 required by Section 76-7-304 or 76-7-304.5.

99 (6) The parents, parent, or legal guardian of a minor who receives medical services
100 pursuant to Subsection (2) are not liable for the payment for those services unless the parents,
101 parent, or legal guardian consented to the medical services.